

# **CITY COUNCIL AGENDA**

**DECEMBER 5, 2006**

**AMENDED AGENDA**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ, VICE MAYOR  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES, MAYOR

KEN YEAGER  
MADISON P. NGUYEN  
DAVID D. CORTESE  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
  - 8:30 a.m. - Closed Session, City Hall Wing, Conference Room W133  
[See Separate Agenda](#)
  - 10:00 a.m.- Regular Session, Council Chambers, City Hall  
The Council will recess at 12:00 noon and reconvene at 1:30 p.m.
  - 7:00 p.m. - General Plan Hearings, Council Chambers, City Hall
  - 7:00 p.m. - Public Hearings, Council Chambers, City Hall
- **Invocation (Mayor)**
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY  
COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.**

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

## **1. CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to the San José Human Rights Commission for promoting the fulfillment of human rights in the City and helping the City Council to ensure that the rights of all San José residents are protected. (LeZotte)  
(Rules in-Lieu referral 11/22/06)

# 1. CEREMONIAL ITEMS

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- 1.2 Presentation of a commendation in recognition of District 1 Heroes: Betty and Richard Kabanek, Shozo Kagoshima, David Moffat, Barbara Morrey, and Sarah Morse. (LeZotte)  
(Rules in-Lieu referral 11/22/06)
- 1.3 \* Presentation of a commendation in recognition of District 1 Heroes: Charles Lauer and the Winchester Neighborhood Action Coalition, Pastor Joseph Leon, Robert Levy, Carol Schelling, and the District 1 Youth Advisory Council. (LeZotte)  
**TO BE HEARD IN THE EVENING**  
(Rules in-Lieu referral 11/22/06)
- 1.4 Presentation of a commendation to the Advisory Commission on Rents recognizing the work that they have done for the City of San José. (Campos)  
**TO BE HEARD IN THE EVENING**  
(Rules in-Lieu referral 11/22/06)
- 1.5 Presentation of a commendation recognizing the San José Fire Department, San José Office of Emergency Services, the Mayor's Gang Prevention Task Force and community partners for their continued success in keeping San José the Safest Big City in America. (Mayor)  
(Rules in-Lieu referral 11/22/06)
- 1.6 Presentation of a commendation to State Bank of India for their contributions to San José. (Mayor/Chavez)  
(Rules in-Lieu referral 11/22/06)
- 1.7 Presentation of a commendation to Kika Shibata of Ikebana Arts, in the San José Japantown, for 40 years of service and gracefully promoting Japanese culture throughout the growing and diverse community of San José. (Chavez)  
\* (Rules Committee referral 11/29/06)  
**DROP**
- 1.8 Presentation of commendations to the members of the faith-based community that partnered with Safe From the Start San José to raise funds for San José's Summer Lunch Program. (Chavez)  
\* (Rules Committee referral 11/29/06)
- 1.9 Presentation of commendations to Viejitos Car Club and Bike Club and Pastor Sonny Lara for their work to stop gang violence in San José. (Chavez)  
\* (Rules Committee referral 11/29/06)  
**TO BE HEARD IN THE EVENING**

## 2. CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

### 2.1 Approval of Minutes.

- (a) Regular minutes of February 14, 2006  
[Deferred from 11/21/06 – Item 2.1(b)]
- (b) Regular minutes of February 28, 2006  
[Deferred from 11/21/06 – Item 2.1(c)]

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 27885 – Rezoning certain real property situated on the southwesterly corner of Eberly Drive and Neilson Court to A(PD) Planned Development Zoning District. PDC04-091  
[Deferred from 10/17/06 – Item 2.2(d), et. al and 11/21/06 – Item 2.2(a)]  
[Supplemental](#)
- (b) ORD. NO. 27896 – Rezoning certain real property situated at the southwest corner of Alum Rock Avenue and McCreery Avenue to A(PD) Planned Development Zoning District. PDC05-112
- (c) ORD. NO. 27907 – Providing authorization to conduct and take actions with regard to the holding of an election to fill a vacancy in the office of Councilmember, District 4.
- (d) ORD. NO. 27910 – Amending Section 23.04.020 of Chapter 23.04 of Title 23 of the San José Municipal Code to allow more flexible placement of skyline signs on buildings less than eighty-five feet in height and with a narrow street frontage in certain location of the city.
- (e) ORD. NO. 27912 – Rezoning certain real property situated on the east side of North 2<sup>nd</sup> Street, approximately 140 feet northerly of St. James Street to DC Downtown Commercial Zoning District. C06-031
- (f) ORD. NO. 27913 – Rezoning certain real property situated on the south side of Story Road approximately 150 feet east of Adrian Way (2250 Story Road) to CP Commercial Pedestrian Zoning District. C06-096
- \* **RECOMMEND DEFERRAL TO 1/23/07**
- (g) ORD. NO. 27914 – Rezoning certain real property situated at the west side of South 9<sup>th</sup> Street approximately 90 feet south of East William Street to A(PD) Planned Development Zoning District. PDC06-099

## 2. CONSENT CALENDAR

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### 2.2 Final adoption of ordinances (Cont'd.)

**Recommendation:**

- (h) ORD. NO. 27915 – Prezoning certain real property situated on the west side of Fleming Avenue, 350 feet northerly of Warner Avenue, to R-1-5 Single Family Residence Zoning District. C06-079
- (i) ORD. NO. 27916 – Prezoning certain real property situated on both sides of Perrymount Avenue, southwesterly of Stone Avenue, to HI Heavy Industrial Zoning District. C06-048
- (j) ORD. NO. 27917 – Prezoning certain real property situated at the northwesterly corner of Curtner Avenue and Stone Avenue to HI Heavy Industrial Zoning District. C06-051
- (k) ORD. NO. 27918 – Prezoning certain real property situated at the west side of Kettmann Road, approximately 75 feet southerly of Dashwood Avenue, to R-1-8 Single Family Residence Zoning District. C06-052
- (l) ORD. NO. 27919 – Rezoning certain real property situated at the southeast corner of Foxworthy and Leigh Avenues to A(PD) Planned Development Zoning District. PDC06-055

### 2.3 Approval of fiscal actions for Redevelopment Agency Capital Projects.

**Recommendation:**

- (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
  - (1) Increase the estimate for Earned Revenue by \$85,480.
  - (2) Decrease Ending Fund Balance by \$7,750.
  - (3) Establish an appropriation to the Department of Transportation for the Winchester Neighborhood ADA Ramp Installation Project (PSM #455) in the amount of \$10,000.
  - (4) Establish an appropriation to the Office of Cultural Affairs for the CADRE Artist Residency Project in the amount of \$7,750.
  - (5) Increase the appropriation to the Department of Parks, Recreation and Neighborhood Services for the Christmas in the Park Project (PSM# 473) in the amount of \$75,480.
- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Winchester Neighborhood ADA Ramp Installation Project as more specifically described in the memorandum from the Redevelopment Agency, dated May 30, 2006.

CEQA: Exempt, File No. PP05-212 and PP05-007. Council Districts 1, 3, and 6. SNI: Winchester. (City Manager's Office)

## 2. CONSENT CALENDAR

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### 2.4 [Approval to revise the compensation agreement for Airport Parking Facilities Management.](#)

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to execute the first amendment revising the compensation schedule for the Airport Parking Facilities Management agreement between the City of San José and Ampco System Parking retroactive to November 8, 2006. CEQA: Not a Project. (Finance)

### 2.5 [Approval to purchase Pedestrian Signal Modules.](#)

**Recommendation:** Adoption of resolution authorizing the Director of Finance to execute a purchase order to Jam Services, for 1,136 “countdown” pedestrian signal modules, at a cost of \$250,530 including tax, freight and a 60 month warranty against defect in materials and workmanship. CEQA: Not a Project. (Finance)

### 2.6 [Approval to purchase Herman Miller Modular Furniture.](#)

**Recommendation:** Approval of the award for purchase of Herman Miller modular furniture from the authorized dealer, Pivot Interiors, for a total cost of \$222,612.37 including tax and delivery, and authorizing the Director of Finance to execute the purchase order. CEQA: Not a Project. (Finance)

### 2.7 [Acceptance of the annual report on the Library Parcel Tax for Fiscal Year 2005-2006.](#)

**Recommendation:** Acceptance of the annual status report on the Library Parcel Tax for Fiscal Year 2005-2006. CEQA: Not a Project. (Library)

### 2.8 [Acceptance of the City’s response on the Grand Jury Report titled, “What is Santa Clara County Doing about Childhood Obesity.”](#)

\* **Recommendation:** Acceptance of the City’s response to recommend action 1 of the 2005-2006 Santa Clara County Civil Grand Jury’s report entitled “What is Santa Clara County doing about Childhood Obesity?” and authorization to forward the response to Judge Alden Danner, Presiding Judge, Santa Clara County Superior Court. CEQA: Not a Project. (Library)

### 2.9 [Approval of an agreement for the Abatement of Weeds.](#)

**Recommendation:** Approval of the Amended and Restated Agreement with the County of Santa Clara for the abatement of weeds. CEQA: Exempt, File No. PP06-196. (Planning, Building and Code Enforcement).

## 2. CONSENT CALENDAR

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### 2.10 Acceptance of the City's response to the Grand Jury Report titled, "Reducing Language Barriers in Domestic Violence Calls."

**Recommendation:** Review and acceptance of the San José Police Department's (SJPd) response to the 2005-2006 Santa Clara County Civil Grand Jury's report entitled "Reducing Language Barriers in Domestic Violence Calls" and authorization to forward the response to Judge Alden Danner, Presiding Judge, Santa Clara Superior Court.  
CEQA: Not a Project. (Police)

### 2.11 Appointment to the Healthy Neighborhood Venture Fund (HNVF) Advisory Committee.

**Recommendation:** Approval of appointment to fill vacancy on the HNVF Advisory Committee. (Mayor/Chirco)

\* (Rules Committee referral 11/29/06)

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session Mayor Gonzales, Chair

### 3.2 Report of the Rules Committee – November 15, 2006 Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review November 28, 2006 Draft City Council Agenda  
NONE – MEETING CANCELLED
  - (2) Add New Items to November 21, 2006 Agenda
    - (a) Mexican Heritage Plaza Operations and Maintenance Agreement  
(Mayor/Campos)
  - (3) List of Reports Outstanding
- (c) Legislative Update
  - (1) State
  - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
- (h) Review of Significant Public Records Act Requests
- (i) Review of Council Policy Updates per Sunshine Reforms
- (j) Open Forum
- (k) Adjournment



### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Making Government Work Better Committee – [November 16, 2006](#) Council Member Reed, Chair

- (a) Consent Calendar
  - (1) FY 2006-07 1<sup>st</sup> Quarter Debt Report (Finance)
  - (2) FY 2006-07 1<sup>st</sup> Quarter Investment Report (Finance)
- (b) External Auditor's Report on Single Audit for FY ended June 30, 2006 (Finance)  
(Deferred from October 19, 2006) (Deferred to 12-21-06)
- (c) External Auditor's Report to MGWB Committee on Internal Control (Finance)  
(Deferred from October 19, 2006) (Deferred to 12-21-06)
- (d) Grants Management Update (City Manager's Office)  
(Follow-up from October 19, 2006)
- (e) Presentation on GIS Projects (Public Works)  
(Follow-up from September 21, 2006)
- (f) Update on Process Streamlining – Public Works Contract Awards (Public Works)  
(Add from December 21, 2006)  
**SEE ITEM 3.6 FOR COUNCIL ACTION TO BE TAKEN**
- (g) Semi-Annual Audit Recommendations Follow-up Report on all Outstanding  
Audit Recommendations for the Period Ending June 30, 2006 (Auditor)
- (h) Oral Petitions
- (i) Adjournment

#### 3.4 Acceptance of the status report in telecommunication legislation and negotiations for Project Lightspeed.

##### **Recommendation:**

- (a) Acceptance of report on recent State action establishing a statewide franchising system for video services and implications on AT&T's encroachment permit applications for its Project Lightspeed.
- (b) Restate the City's willingness to expedite encroachment permits for Project Lightspeed infrastructure upon AT&T's acknowledgement that it will obtain a franchise prior to offering video services.

CEQA: Not a Project. (City Manager's Office)  
(Deferred from 11/14/06 – Item 3.6)

\* **RECOMMEND DEFERRAL TO 12/12/06**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Discussion and possible action on Health Benefit Changes for Council Members and Mayor.

**Recommendation:** As recommended by Council Member LeZotte:

- (a) Approval to consider the recommendations below pursuant to the Early Distribution Process Rules (2/3 vote required).
- (b) Discussion and possible action on the following:
  - (1) Staff to provide Council with requirements and costs for providing lifetime medical to the Mayor and Council members, who have served two full terms through PERS medical coverage to be effective prior to January 1, 2007.
  - (2) Staff to provide Council with options/requirements for switching from City medical coverage to PERS medical coverage with sufficient time for the Mayor or Councilmember to decline city coverage during the Open Enrollment period – November 1 – 17<sup>th</sup> and opt in to the PERS medical coverage.

CEQA: Not a Project. (LeZotte)  
(Rules Committee referral 11/1/06)  
(Deferred from 11/14/06 – Item 3.8)

**DROP**

#### 3.6 Approval of actions related to the Public Works Contract Awards Pilot Program.

**Recommendation:**

- (a) Adoption of a resolution extending the Process Streamlining – Public Works Contract Awards Pilot Program until Council adopts an ordinance making the pilot program permanent.
- (b) Direction to the City Attorney to draft an appropriate ordinance amending the Municipal Code to make the Process Streamlining – Public Works Contract Awards Pilot Program, without any changes to the terms and conditions, permanent.

CEQA: Not a Project. (Public Works)  
[Referred from 11/16/06 Making Government Work Better Committee – Item (6)]

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.7 Approval of actions related to the Procurement Reforms.

**Recommendation:**

- (a) Acceptance of the report on the implementation of approved Procurement Reforms.
- (b) Adoption of a resolution approving Council Policy titled “Procurement and Contract Process Integrity and Conflicts of Interest”.
- (c) Approval of an ordinance of the City of San José amending Chapters 4.04, 4.12, and repealing Chapters 4.06 and 4.13 of Title 4 of the San José Municipal Code to increase administrative contract authority for purchase of supplies, materials, equipment and services to \$1,000,000, to enact a protest procedure for purchases, and to amend, reorganize and consolidate various purchasing procedures.

CEQA: Not a Project. (Finance / City Attorney’s Office)

(Deferred from 11/21/06 – Item 3.4)

\* **RECOMMEND DEFERRAL TO 1/30/07**

#### 3.8 [Interview candidates for one vacancy on the Elections Commission.](#)

**Recommendation:**

- (a) Interview 2 applicants.
- (b) Appoint one applicant to serve the term on the Elections Commission ending March 1, 2009.

(City Clerk)

(Rules Committee referral 11/08/06)

(Deferred from 11/21/06 – Item 3.9)

**TO BE HEARD IN THE AFTERNOON**

#### 3.9 [Consideration of approval of an ordinance to establish the ground and procedure for the removal of member of the City Council from office.](#)

\* **Recommendation:** Consideration of approval of an ordinance amending Title 12 of the San José Municipal Code to add Chapter 12.18 to establish the ground and procedure for the removal of members of the city Council from Office. CEQA: Not a Project. (City Attorney’s Office)

#### 3.10 Acceptance of report related to Bond Programs.

**Recommendation:** Accept report on cost projections and policy options related to the completion of the Safe Neighborhood Parks and Recreation, the Neighborhood Libraries, and Public Safety bond programs, and provide direction to staff regarding the policy options for addressing unanticipated escalating construction costs. CEQA: Not a Project. (City Manager’s Office)

\* **RECOMMEND DEFERRAL TO 1/23/07**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.11 Military Leave Programs for City Employees.

**\* Recommendation:**

- (a) Acceptance of the staff report to implement recommendations that improve communications with employees who are military reservists and to implement new procedures to expedite the military supplemental pay reconciliation process.
- (b) Acceptance of staff's recommendation to provide supplemental pay and benefits to employees with less than one year of City service and/or who have not completed their initial probationary period by having the employee complete the probationary period upon return from military duty.

CEQA: Not a Project. (City Manager's Office/Human Resources/Finance)  
(Referred from 11/14/06 – Item 3.4)

#### 3.12 Public Hearing on the vacation of a portion of a public alleyway between Almaden Avenue and Vine Street.

**Recommendation:** Public hearing and adoption of a resolution to vacate a portion of a public alleyway between Almaden Avenue and Vine Street from Edwards Avenue to Oak Street. CEQA: Exempt. Council District 3. SNI: Washington. (Public Works)  
**TO BE HEARD DURING THE AFTERNOON SESSION.**

#### 3.13 Approval to review the 2006 Annual Report on in-lieu fees.

**Recommendation:** Review of the 2006 Annual Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements. CEQA: Not a Project. (Public Works)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 **Report of the Building Strong Neighborhoods Committee – November 20, 2006** **Council Member Chirco, Chair**

- (a) Building Strong Neighborhoods Update/Status Report (City Manager's Office)
- (b) Citywide Trail Update (Parks, Recreation and Neighborhood Services)
- (c) Review of Relevant Legislative Priorities (City Manager's Office)
- (d) Review of Illegal Secondary Residential Units Policy (Housing)
- (e) Review of Temporary Sign Ordinance (Planning, Building and Code Enforcement)
- (f) Oral Petitions
- (g) Adjournment

#### 4.2 **Report of the Driving a Strong Economy Committee** **Council Member Williams, Chair**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.3 Approval to initiate and set a public hearing related to the annexation of Berryessa No. 68.

**Recommendation:** Adoption of a resolution initiating proceedings and setting a public hearing on January 23, 2007 at 7:00 p.m. for the reorganization of territory designated as Berryessa No. 68 which involves the annexation to the City of San José of on an approximately 15.3 gross acre County Pocket consisting of 2 parcels on the southeast corner of Capitol Avenue and Hostetter Road and the implementation of the annexation would result in the detachment of properties within the annexation area from West Valley Sanitation, County Lighting County Service, Central Fire Protection, and Area No. 01 (Library Services) County Service. (Bianchi, Clara Trustee; Santa Clara Valley Transit Authority, owners). CEQA: Resolution No. 65459. (Related Prezoning C06-074). Council District 4. (Planning, Building and Code Enforcement)

**DROP TO BE RENOTICED**

### 4.4 [Approval to initiate and set a public hearing related to the annexation of Piedmont No. 52.](#)

\* **Recommendation:** Adoption of a resolution initiating proceedings and setting a public hearing on January 23, 2007 at 7:00 p.m. for the reorganization of territory designated as Piedmont No. 52 which involves the annexation to the City of San José on an approximately 1.14 gross acres County Pocket consisting of 3 parcels on the southwesterly side of Old Piedmont Road, approximately 100 feet northwest of Rowley Drive and the implementation of the annexation would result in the detachment of properties within the annexation area from Central Fire Protection, and Area No. 01 (Library Services) County Service. (Larson, Donald and Joy; Martinez, Cristina, owners). CEQA: Resolution No. 65459 (Related Prezoning C06-039) (zoned A-Agricultural upon annexation pursuant to SJMC Section 20.120.310). Council District 4. (Planning, Building and Code Enforcement)

**TO BE HEARD IN THE EVENING**

### 4.5 [Approval to initiate and set a public hearing related to the annexation of Story No. 62.](#)

**Recommendation:** Adoption of a resolution initiating proceedings and setting a public hearing on January 23, 2007 at 7:00 p.m. for the reorganization of territory designated as Story No. 62 which involves the annexation to the City of San José on an approximately 0.82 gross acre County pocket consisting of 2 parcels on the west side of Fleming Avenue 350 feet northerly of Warner Avenue and the implementation of the annexation would result in the detachment of properties within the annexation area from Central Fire Protection, and Area No. 01 (Library Services) County Service. (Ramos Family Trust; Gutierrez, Ernesto, owners). CEQA: Resolution No. 65459. (Related Prezoning C06-079). Council District 5. (Planning, Building and Code Enforcement)

**TO BE HEARD IN THE EVENING**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.6 [Approval to initiate and set a public hearing related to the annexation of Monterey Park No. 108.](#)

**Recommendation:** Adoption of a resolution initiating proceedings and setting a public hearing on January 23, 2007 at 7:00 p.m. for the reorganization of territory designated as Monterey Park No. 108 which involves the annexation to the City of San José on an approximately 8.58 gross acre area consisting of 9 parcels on both sides of Perrymount Avenue, southwesterly of Stone Avenue and the implementation of the annexation would result in the detachment of properties within the annexation area from County Lighting County Service, Central Fire Protection, Area No. 01 (Library Services) County Service, and County Sanitation District 2-3. (Numerous Owners). CEQA: Resolution No. 65459. (Related Prezoning C06-048). Council District 7. (Planning, Building and Code Enforcement)

**TO BE HEARD IN THE EVENING**

### 4.7 [Approval to initiate and set a public hearing related to the annexation of Monterey Park No. 109.](#)

**Recommendation:** Adoption of a resolution initiating proceedings and setting a public hearing on January 23, 2007 at 7:00 p.m. for the reorganization of territory designated as Monterey Park No. 109 which involves the annexation to the City of San José on an approximately 4.37 gross acre area consisting of 2 parcels on the Northwesterly corner of Curtner Avenue and Stone Avenue and the implementation of the annexation would result in the detachment of properties within the annexation area from County Lighting County Service, Central Fire Protection, Area No. 01 (Library Services) County Service, and County Sanitation District 2-3. (Blank, Christine; Owner). CEQA: Resolution No. 65459. (Related Prezoning C06-051). Council District 7. (Planning, Building and Code Enforcement)

**TO BE HEARD IN THE EVENING**

### 4.8 [Approval to initiate and set a public hearing related to the annexation of Evergreen No. 196.](#)

\* **Recommendation:** Adoption of a resolution initiating proceedings and setting a public hearing on January 23, 2007 at 7:00 p.m. for the reorganization of territory designated as Evergreen No. 196 which involves the annexation to the City of San José on an approximately 1.13 gross acre County Pocket located on the west side of Kettmann Road, approximately 75 feet southerly of Dashwood Avenue and the implementation of the annexation would result in the detachment of properties within the annexation area from Central Fire Protection and Area No. 01 (Library Services) County Service. (Bic Pho, Owner). CEQA: Resolution No. 65459. (Related Prezoning C06-052). Council District 8. (Planning, Building and Code Enforcement).

**TO BE HEARD IN THE EVENING**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.9 [Approval to initiate and set a public hearing related to the annexation of Evergreen No. 197.](#)

- \* **Recommendation:** Adoption of a resolution initiating proceedings and setting a public hearing on January 23, 2007 at 7:00 p.m. for the reorganization of territory designated as Evergreen No. 197 which involves the annexation to the City of San José on an approximately 1.33 gross acre County pocket consisting of 2 parcels on east side of San Felipe Road, 450 feet southerly of Larkspur Canyon Drive and the implementation of the annexation would result in the detachment of properties within the annexation area from Central Fire Protection, and Area No. 01 (Library Services) County Service. (Santa Clara Valley Water District; Dias, Lance, Owners). CEQA: Resolution No. 65459. (zoned A-Agricultural upon annexation pursuant to SJMC Section 20.120.310). Council District 8. (Planning, Building and Code Enforcement)  
**TO BE HEARD IN THE EVENING**

### 4.10 [Approval to initiate and set a public hearing related to the annexation of Evergreen No. 198.](#)

- \* **Recommendation:** Adoption of a resolution initiating proceedings and setting a public hearing on January 23, 2007 at 7:00 p.m. for the reorganization of territory designated as Evergreen No. 198 which involves the annexation to the City of San José on an approximately 1.57 gross acre County pocket consisting of 1 parcel on the east side of San Felipe Road, 560 feet northerly of Scenic Meadow Lane and the implementation of the annexation would result in the detachment of properties within the annexation area from Central Fire Protection, and Area No. 01 (Library Services) County Service. (Ceraolo R A & A 1998 Trust, Owner). CEQA: Resolution No. 65459. (zoned A-Agricultural upon annexation pursuant to SJMC Section 20.120.310). Council District 8. (Planning, Building and Code Enforcement)  
**TO BE HEARD IN THE EVENING**

## 5. NEIGHBORHOOD SERVICES

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### 5.1 **Report of the All Children Achieve Committee Council Member Yeager, Chair**

### 5.2 [Approval of a Settlement and Parkland Agreement for Santana Row.](#)

**Recommendation:** Approval of a Settlement and Parkland Agreement with FRIT San José Town and Country Village, LLC to satisfy the parkland requirements under the Parkland Dedication Ordinance (SJMC 19.38) for Santana Row. (City Attorney's Office)



## 5. NEIGHBORHOOD SERVICES

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### 5.3 Approval of actions related to the Boys and Girls Club of Silicon Valley.

#### Supplemental

- \* **Recommendation:** Approval of an agreement with the Boys and Girls Club of Silicon Valley (BGC) for joint use of the sports field located at 2195 and 2293 Cunningham Avenue for no fee, provided that the use is for standard Boys and Girls Club programs and further provided that the City receives use of the Smythe Clubhouse gym for a period of time and at times acceptable to City. CEQA: Exempt, File No. PP06-071. Council District 5. SNI: KONA, West Evergreen, East Valley/680. (Parks, Recreation and Neighborhood Services)

### 5.4 Approval of the 2006 Lake Cunningham Park Master Plan Amendment Project.

**Recommendation:** Adoption of a resolution approving the 2006 amendment to the Lake Cunningham Park Master Plan and incorporating environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project. CEQA: Mitigated Negative Declaration, File No. PP06-043. (Parks, Recreation and Neighborhood Services)

### 5.5 Approval of an agreement for the operation and maintenance of Rancho Del Pueblo Golf Course.

- \* **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement between San José Golf, L.L.C., a limited liability corporation, and the City of San José for Operation and Maintenance of Rancho del Pueblo Golf Course at a cost not to exceed \$219,000 annually for the first year and adjusted thereafter annually based on the Consumer Price Index (CPI) for all urban Consumers in San Francisco – Oakland – San José area, and for a term not to exceed 15 years. CEQA: Mitigated Negative Declaration, File No. PDC96-020. (Parks, Recreation and Neighborhood Services)

### 5.6 Approval of actions related to the Airport Parkway Under-Crossing Project.

#### **Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Santa Clara Valley Water District in an amount up to \$1,839,500 for the construction of the TRAIL: Airport Parkway Under-Crossing project.
- (b) Adoption of the following Appropriation Ordinance amendment in the Parks City-Wide Construction and Conveyance Tax Fund (Fund 391):
  - (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in an amount of \$532,000 for the TRAIL: Airport Parkway Under-Crossing Project; and
  - (2) Decrease the Ending Fund Balance by \$532,000.

CEQA: Mitigated Negative Declaration, File No. PP04-323. Council District 3. (Parks, Recreation and Neighborhood Services/City Manager's Office)



## 5. NEIGHBORHOOD SERVICES

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### 5.7 [Approval of actions related to the Roosevelt Community Center Package II Project.](#)

#### **Recommendation:**

- (a) Report on bids and award of contract for the Roosevelt Community Center - Package II Project in the amount of \$14,046,940, for the base bid and Add Alternate Nos. 2 and 3 to the low bidder, Arntz Builders, Inc., and approval of a contingency in the amount of \$702,325.
- (b) Adoption of the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):
  - (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,370,000 for the Roosevelt Community Center – Multi-Service Project;
  - (2) Reduce the Roosevelt Center Gymnasium Design Project by \$263,000; and;
  - (3) Reduce the Reserve: Future PDO/PIFO Projects by \$1,107,000.

CEQA: Mitigated Negative Declaration, File No. PP03-12-397. Council District 3.  
SNI: Five Wounds/Brookwood Terrace. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 **Report of the Building Better Transportation Committee Council Member Campos, Chair**

### 6.2 **Approval of various actions related to the management of Downtown Parking Garages.**

#### [Supplemental](#)

#### **Recommendation:**

- \* (a) [Adoption of a resolution authorizing the City Manager to negotiate and execute](#) an amendment to the agreement with AMPCO System Parking for parking management and operation services, increasing total compensation by \$750,000 to a not to exceed amount of \$2,350,000, and extending the term of the agreement from January 1, 2007 to February 28, 2007. CEQA: Not a Project. (Transportation)
- (b) Adoption of a resolution authorizing the Director of Finance to execute:
  - (1) An agreement with Central Parking Systems for the management of the City's downtown parking garages and surface lots for three (3) years at an estimated cost of \$3,477,670 annually to the City, and approve additional contingency funds of \$250,000 to compensate the vendor for reimbursable expenses incurred for services such as staffing for special events beyond normal operations and other enhanced services, for a total amount not to exceed \$3,727,670.

## **6. TRANSPORTATION & AVIATION SERVICES**

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### **6.2 Approval of various actions related to the management of Downtown Parking Garages. (Cont'd.)**

**Recommendation:**

- (2) Three, one-year options to renew the agreement subject to annual Consumer Price Index price adjustments and annual appropriations.
- (3) Amendments to the agreement to add or delete parking facilities based upon the criteria in the agreement such as type and/or size of parking facility, activity, required staffing and/or maintenance, subject to additional appropriations.

CEQA: Not a Project. (Finance)  
(Deferred from 11/14/06 – Item 6.2)

### **6.3 Approval to purchase an Aircraft Noise and Flight Track Monitoring System.**

- \* **Recommendation:** Adoption of a resolution authorizing the Director of Finance to:
- (a) Execute an agreement with Lochard Corporation for the purchase of an Aircraft Noise and Flight Track Monitoring System, including hardware, software, installation and related professional services, a three year warranty, and shipping and taxes, for a total amount not to exceed \$1,347,705; and
  - (b) Execute change orders not to exceed a 5% contingency amount of \$67,385 to cover unanticipated changes or requirements; and
  - (c) Execute four additional one-year options to renew software maintenance, subject to annual appropriations.

CEQA: Resolution Nos. 67380 and 71451, PP06-180. (Finance)  
(Deferred from 11/21/06 – Item 6.2)

### **6.4 Approval of an agreement to relinquish Capitol Expressway from the County.**

- \* **Recommendation:** Adoption of a resolution authorizing City Manager to negotiate and execute an agreement with the County of Santa Clara, transferring to the City of San José final approval rights of all plans for future modifications to the nine miles of Capitol Expressway which extend from Highway 87 to Interstate 680, and subsequently accepting relinquishment of nine miles of Capitol Expressway to the City of San José.

CEQA: Resolution to be adopted. Council Districts 5, 7, 8, and 10. SNI: West Evergreen, East Valley/680. (Transportation)

**TO BE HEARD IN THE EVENING CONCURRENTLY WITH ITEM 10.2.  
DEFERRED TO 12/12/06**

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.5 [Approval to designate the intersection of Capitol Expressway/Capitol Avenue as a “protected intersection.”](#)

- \* **Recommendation:** Adoption of a resolution to approve the designation of the intersection of Capitol Expressway/Capitol Avenue to the “Protected Intersection” list under the City’s Transportation Impact Policy 5-3. CEQA: Resolution to be adopted. Council District 5. SNI: East Valley/680. (Transportation)

**TO BE HEARD IN THE EVENING CONCURRENTLY WITH ITEM 10.2.  
DEFERRED TO 12/12/06**

### 6.6 Approval of actions related to the Traffic Impact Fee Study for Evergreen residential pool units.

- \* **Recommendation:**

- (a) [Acceptance of the traffic impact fee study as part of the Evergreen Area Development Policy.](#)
- (b) Approval of an ordinance adding Chapter 14.30 to Title 14 of the San José Municipal Code establishing a traffic impact fee on new residential pool unit development subject to the Evergreen Development Policy in order to implement the traffic improvements set forth in the Evergreen Development Policy and the Final Evergreen East Hills Vision Strategy Environmental Impact Report. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement recommend to the City Council approval of an ordinance to establish a Traffic Impact Fee on new residential development subject to the Evergreen Development Policy in order to implement the traffic improvements set forth in the Evergreen Development Policy and the Final Evergreen East Hills Vision Strategy Environmental Impact Report.

CEQA: Resolution to be adopted. (Transportation)

**TO BE HEARD IN THE EVENING CONCURRENTLY WITH ITEM 10.2.  
DEFERRED TO 12/12/06**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

#### 9.1 Approval of actions related to the Airport Obstruction Study.

**\* Recommendation:**

- (a) Direction to staff to refine the downtown development policy to set forth height restrictions on new high-rise development to protect existing and future commercial airline service at Norman Y. Mineta San José International Airport.
- (b) Direction to City and Agency staff to initiate amendments to the General Plan and other key policy documents to restrict maximum building heights of new development to elevations which would not impact airline emergency procedures criteria and are otherwise acceptable to the Federal Aviation Administration (FAA).
- (c) Direction to the Administration to consider refinements to the development review process including:
  - (1) For projects subject to an FAA airspace determination, require that applicants have their federal submittals prepared by a licensed civil engineer and that a copy of the submittal be provided to the City; and,
  - (2) For projects subject to an FAA airspace determination, require that applicants submit to the City a construction survey prepared by a licensed civil engineer verifying project elevations and location coordinates prior to issuance of an occupancy permit; and,
  - (3) For any proposed modifications or additions to existing buildings that are subject to an FAA airspace determination, such as roof-top accessory structures, require that such proposals be processed as development permit amendments; and,
  - (4) Conduct outreach with the downtown development community to provide information and guidance on development height restrictions.
- (d) Direction to the Administration to follow up with the FAA to ensure that its databases are appropriately updated and corrected.
- (e) Report back to the Council in three years and after evaluating FAA and airline safety procedures and determine if any changes can be made (consistent with FAA procedures) to restore or increase downtown building heights

CEQA: Resolution No. 72767, File No. PP06-186. (City Manager's Office / Redevelopment Agency)

**RECOMMEND DEFERRAL TO 1/23/07**

**ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING**

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9851	East side of Almaden Rd. at the intersection of Malone Rd.	6	The Olson Company	15 Lots / 56 Units	Multi-Family Attached
9870	West side of Oakland Rd., 550' north of Rock Ave.	4	Taylor Woodrow Homes, Inc.	1 Lot / 53 Units	Single Family Attached
9882	Northeast corner of Market St. and San Salvador St.	3	MESA SOFA Partners, LLC	1 Lot / 213 Units	Multi-Family Attached

- Notice of City Engineer's Award of Construction Projects

On October 25, 2005, City Council approved a one year pilot program that delegated authority to the Director of Public Works to award or reject bids on construction projects where the base contract amount is below \$1,000,000. In accordance with this policy, the following is a list of projects that were awarded or rejected by the Director of Public Works in November 2006

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Downer-Canoas Sanitary Sewer System Cleaning	10	AES Enterprises, Inc.	\$750,785	11/15/06
Traffic Signal Modification at Santa Clara Street and 28 <sup>th</sup> Street	3	San José Signal Electric Construction, Inc.	\$410,000	11/16/06
Saratoga: I-280 to Kiely Underground Utility District Project	1	Lewis & Tibbits, Inc.	\$893,844	11/16/06

- Open Forum
- Council will recess until 7:00 p.m.

## 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

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No General Plan Public Hearing on Consent Calendar at this time.

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.2 Public Hearing and approval of actions related to the Evergreen•East Hills Vision Strategy Project. The EEHVS area coincides with the Evergreen Development Policy area, which is generally bounded by Story Road, Highway 101, Hellyer Avenue and within the Urban Service Area.

**\* Recommendation:**

- (a) Discussion on key Aspects/Issues related to the Evergreen•East Hills Vision Strategy Project.
- (b) Approval to defer or to take action on the following:
  - (1) Public Hearing on the appeal of planning Commission's certification of a final Environmental Impact Report (EIR) for the Evergreen East Hills Vision Strategy Project for an update to the Evergreen Development Policy, a Funding Agreement, General Plan Text and Land Use/Transportation Diagram Amendments, Planned Development Rezonings on approximately 542 acres; and to allow between 3,600 and 5,700 dwelling units, up to 500,000 square feet of retail, 75,000 square feet of office, up to 4.66 million square feet of campus industrial, and various transportation improvements and community amenities within the EEHVS area. CEQA: Resolution to be adopted. Director of Planning, Building, and Code Enforcement and Planning Commission recommend the City Council certify the Environmental Impact Report prepared for the project and find it in compliance with the requirements of CEQA. (6-0-1; Zito abstain). SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. Council Districts 5, 7 and 8.
  - (2) Public Hearing on the proposed funding agreement by and between the City of San José and the Evergreen•East Hills Vision Strategy Property Owners for the funding of certain improvements and amenities in the Evergreen Development Policy area. Director of Planning, Building and Code Enforcement recommendation pending. CEQA: Resolution to be adopted. SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. Council Districts 5, 7 and 8.

## 10. GENERAL PLAN PUBLIC HEARINGS

---

- 10.2 Public Hearing and approval of actions related to the Evergreen East Hills Vision Strategy Project. The EEHVS area coincides with the Evergreen Development Policy area, which is generally bounded by Story Road, Highway 101, Hellyer Avenue and within the Urban Service Area.**

**Recommendation: (Cont'd.)**

- (b) (3) Public Hearing on the proposed update to the Evergreen Development Policy for the Evergreen East Hills area of San José. CEQA: Resolution to be adopted. Director of Planning, Building, and Code Enforcement recommendation pending. The Planning Commission recommends to the City Council approval of either the staff's or the developer's proposed land use alternatives for the Four Opportunity Sites or a reconciled alternative. The Planning Commission also recommends approval of the proposed revised Evergreen Development Policy with the following components: (1) Arcadia Community Center occurs in Phase II, (2) limit the size of a grocery store on the Evergreen Valley College Site to no more than 20,000 square feet, (3) incorporate the Task Force amenity prioritization "H" (in Planning Commission Attachment 4), (4) reserve 40 acres on the Campus Industrial Site for a future high school, and (5) the "residential pool" incorporate the following: (a) residential "pool" units be a minimum number (not a maximum), (b) excess units from the Four Opportunity Sites be transferred to "pool", (c) residential "pool" units to be available immediately, and (d) residential "pool" allocation criteria should be flexible enough to ensure participation of all potential infill parcels. (7-0-0). SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. Council Districts 5, 7 and 8.
- (4) Public Hearing on General Plan Text and Land Use/Transportation Diagram amendments.
  - (a) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Mixed-Use Overlay with Public/Quasi-Public, Medium Low Density Residential (8.0 DU/AC), Industrial Park, Office and Public Park and Open Space underlying land use designations to Mixed-Use with No Underlying Land Use Designation on an 81-acre site, known as Arcadia, located on the south side of Quimby Road 1,000 feet westerly of Capitol Expressway (Arcadia Homes, Inc. applicant/owner). SNI: West Evergreen. CEQA: Resolution to be Adopted, GP05-08-01a. Director of Planning, Building, and Code Enforcement recommendation pending. See item 10.3.b for Planning Commission recommendation.  
GP05-08-01A – Council District 8

## 10. GENERAL PLAN PUBLIC HEARINGS

---

- 10.2 Public Hearing and approval of actions related to the Evergreen·East Hills Vision Strategy Project. The EEHVS area coincides with the Evergreen Development Policy area, which is generally bounded by Story Road, Highway 101, Hellyer Avenue and within the Urban Service Area.**

**Recommendation: (Cont'd.)**

- (b) (4) (b) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Private Recreation to Medium Density Residential (8-16 DU/AC), and Public Park and Open Space on a 114-acre site, known as Pleasant Hills Golf Course, located on the north east corner of Tully and S. White Roads (KB Home, applicant/Duino Family Partners, owner). Director of Planning, Building, and Code Enforcement recommendation pending. See item 10.3.b for Planning Commission recommendation. CEQA: Resolution to be adopted. GP05-08-01B – District 8
- (c) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC), and Public Park and Open Space on a 175-acre site, known as Campus Industrial – Berg, located on the north east corner of Fowler and Yerba Buena Roads and both sides of the future extension of Yerba Buena Road/Murillo Avenue, between Fowler and Aborn Roads (Berg & Berg Enterprises applicant/owner). Director of Planning, Building, and Code Enforcement recommendation pending. See item 10.3.b for Planning Commission recommendation. CEQA: Resolution to be adopted. GP05-08-01C – District 8
- (d) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC), and Public Park and Open Space on a 24-acre site, known as Campus Industrial – IDS, located on the east side of Yerba Buena Road opposite Verona Road (Investment Development Services, Inc. applicant/owner). Director of Planning, Building, and Code Enforcement recommendation pending. See item 10.3.b for Planning Commission recommendation. CEQA: Resolution to be adopted. GP05-08-01D – District 8



## 10. GENERAL PLAN PUBLIC HEARINGS

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- 10.2 Public Hearing and approval of actions related to the Evergreen·East Hills Vision Strategy Project. The EEHVS area coincides with the Evergreen Development Policy area, which is generally bounded by Story Road, Highway 101, Hellyer Avenue and within the Urban Service Area.**

**Recommendation: (Cont'd.)**

- (b) (4) (e) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC), and Public Park and Open Space on a 120-acre site, known as Campus Industrial – Legacy, located on the north east corner of Yerba Buena and Old Yerba Buena Roads (Yerba Buena OPCO applicant/owner). Director of Planning, Building, and Code Enforcement recommendation pending. See item 10.3.b for Planning Commission recommendation. CEQA: Resolution to be adopted.  
GP05-08-01E – District 8
- (f) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Public/Quasi-Public to Mixed-Use with No Underlying Land Use Designation on a 27-acre portion of the Evergreen Valley College Campus, located on the north side of Yerba Buena Road approximately 350 feet easterly of San Felipe Road (San José/Evergreen Community College District applicant/owner). Director of Planning, Building, and Code Enforcement recommendation pending. See item 10.3.b for Planning Commission recommendation. CEQA: Resolution to be adopted.  
GP05-08-01F – District 8

## 10. GENERAL PLAN PUBLIC HEARINGS

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- 10.2 Public Hearing and approval of actions related to the Evergreen-East Hills Vision Strategy Project. The EEHVS area coincides with the Evergreen Development Policy area, which is generally bounded by Story Road, Highway 101, Hellyer Avenue and within the Urban Service Area.**

**Recommendation: (Cont'd.)**

- (b) (4) (g) Tentative approval of a General Plan Text amendment to revise text based on actions related to the update of the Evergreen Development Policy and General Plan Land Use/Transportation Diagram amendments, amend Appendix E to reduce the number of planned lanes from four to two on the following Major Collectors: Delta Road, Murillo Avenue (from Tully Road to Aborn Road), Nieman Boulevard, Quimby Road (east of White Road), Ruby Avenue (between Kohler Avenue and Aborn Road, and between Fowler and Delta Roads), Yerba Buena Road (from Old Yerba Buena Road to Aborn Road), and amend Appendix F, the Mixed Use Inventory, in conjunction with General Plan Land Use/Transportation Diagram amendments GP05-08-01A and GP05-08-01F. SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval of General Plan Text Amendments to revise the text based on actions related to the update of the Evergreen Development Policy and General Plan Land Use/Transportation Diagram amendments, amend Appendix E to reduce the number of planned lanes from four to two on the following Major Collectors: Delta Road, Murillo Avenue (from Tully Road to Aborn Road), Nieman Boulevard, Ruby Avenue (between Kohler Avenue and Aborn Road, and between Fowler and Delta Roads), Yerba Buena Road (from Old Yerba Buena Road to Aborn Road), and amend Appendix F, the Mixed Use Inventory, in conjunction with General Plan Land Use/Transportation Diagram amendments GP05-08-01A and GP05-08-01F (5-2-0; Campos and Platten oppose). SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. CEQA: Resolution to be adopted. GPT05-08-01 – District 5, 7 and 8

**DEFERRED TO 12/12/06**

## **10. GENERAL PLAN PUBLIC HEARINGS**

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### **10.3 Continuance of all General Plan amendment actions from November 14, 2006 and December 5, 2006 to December 12, 2006.**

**Recommendation:** Continuance of adoption of a resolution approving all General Plan amendment actions from November 14, 2006 and December 5, 2006 to December 12, 2006 and adoption of any related CEQA resolutions. (Planning, Building and Code Enforcement)

**END OF GENERAL PLAN PUBLIC HEARINGS**

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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(To be heard by the City Council at 7:00 p.m.)

**Notice to the public:** There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

### 11.1 Public Hearings on Consent Calendar.

#### **Recommendation:**

- (a) [Consideration of an ordinance rezoning the real property located on the southwest corner of Meridian Avenue and Curci Drive from A\(PD\) Planned Development Zoning District to A\(PD\) Planned Development Zoning District to allow a Residential Care Facility \(Senior Assisted Living\) with up to 98 units above an underground parking facility \(993 Meridian Ave.\) \(Merrill Gardens at Willow Glen LLC, Owner\). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning commission recommends approval \(5-0-2\).](#)  
[PDC05-091](#) - District 6  
(Continued from 11/14/06 – Item 11.3)
- (b) [Consideration of a Director initiated prezoning ordinance prezoning an approximate 3.4 gross acre site consisting of 4 parcels located on the north side of Story Road, 780 feet westerly of Machado Lane from County of Santa Clara to R-1-RR Single Family Residence District for single-family residential purposes \(Reyes, Jesus and Maria; McNelly, Dagmar; Jones, Lenora M; Martinez, Ramon and Elizabeth; Owners\). CEQA: Resolution No. 65459. \(Related Annexation Story No. 61\). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.](#)  
[C06-075](#) - District 5
- \* (c) [Consideration of a Director initiated prezoning ordinance prezoning an approximately 4.3 gross acre area consisting of 3 parcels located on the southeast side of Story Lane, 870 feet northeasterly of Clayton Road from County of Santa Clara to R-1-2 Single Family Residence District for single-family residential purposes \(Nagashima, Ben and Alice, Trustee; Nagashima, Janet; Nguyen, Phuong Mai, Owners\). CEQA: Resolution No. 65459. \(Related Annexation Story No. 63\). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.](#)  
[C06-076](#) - District 5

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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### 11.1 Public Hearings on Consent Calendar. (Cont'd.)

#### Recommendation:

- (d) [Consideration of a Director initiated rezoning ordinance rezoning](#) an approximately 3.4 gross acre area consisting of 3 parcels on the northwest side of Watters Drive, 60 feet northerly of Story Road from unincorporated county to R-1-RR Single Family Residence District (Vaughn, Charles; McMullen, Keith and Beverly; Pfeil, Robert, Owners). CEQA: Resolution No. 65459. (Related Annexation Story No. 60). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.  
C06-078 - District 5
- (e) [Consideration of an ordinance rezoning the real property at/on the east side](#) of Ruby Avenue across from Rio Bravo Drive (2480 Ruby Ave.) (Garcia, Richard J and Sarafina M, Owners) from County to R-1-2 Residential Zoning District to allow single family residential uses on a 0.43 gross acre site. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.  
C06-088 - District 8
- \* (f) [Consideration of an Ordinance of the City of San José amending Ordinance](#) No. 27606 to extend the expiration date of a limited pilot program to allow certain second residential units, from December 31, 2006 to June 30, 2007, which program automatically terminates if 100 permits are issued; and amending Ordinance No. 27675 to extend until June 30, 2007 the temporary suspension of Chapter 14.25 of Title 14 of the San José Municipal Code pertaining to park impact requirements otherwise applicable to second units, without modifying other parts of the second unit pilot program. CEQA: Exempt. Staff recommends that the City Council adopted the proposed ordinance extending the pilot program for second units, which allows up to 100 total new permits, until June 30, 2007.  
PP05-196 – Citywide  
[Supplemental](#)

## 11. PUBLIC HEARINGS

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### 11.2 [Amending Chapter 21.04 of Title 21 of the San José Municipal Code.](#)

#### [City Attorney's Memo](#)

**Recommendation:** Consideration of an ordinance of the City of San José amending Chapter 21.04 of Title 21 of the San José Municipal Code to add a new section and amending Section 21.06 of Chapter 21.06 of Title 21, all related to providing for an additional appeal to the City Council of certain environmental clearance determinations. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval (5-0-2). CEQA: Not a Project. (Planning, Building and Code Enforcement)

[Continued from 8/29/06 – Item 11.1(k), 10/3/06 – Item 11.3 and 10/24/06 – Item 11.2]

### 11.3 **Administrative Hearing on consideration of an appeal of the Planning Director's decision to deny a Tentative Map Permit.**

#### [Supplemental](#)

#### [Councilmember Pyle's Memo](#)

- \* **Recommendation:** Administrative Hearing on consideration of an appeal of the Planning Director's decision to deny a Tentative Map Permit to subdivide two parcels into 16 lots for single-family detached residential uses on a 684.5 gross acre site in the R-1-1 Single-Family Residence Zoning District, located approximately 500 feet east of Almaden Road and 500 feet west of McKean Road. CEQA: Environmental Review: Incomplete. Director of Planning, Building and Code Enforcement recommends to uphold the Director's decision to deny. No Planning Commission action required.

T06-051 – District 10

(Continued from 11/14/06 – Item 11.2)

### 11.4 [Rezoning the real property located on the terminus of Duckett Way.](#)

- \* **Recommendation:** Consideration of an ordinance rezoning the real property located on the terminus of Duckett Way, approximately 420 feet east of S. De Anza Boulevard from R-1-5 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 19 new single family attached residential units and one single family residence on an 1.83 gross acre site (1566 Duckett Way) (P. Lenahan and M. Barshow, Owners; Barry Swenson Builders, Developer). CEQA: Mitigated Negative Declaration. The Director of Planning, Building and Code Enforcement and Planning Commission recommends to not adopt the rezoning ordinance (4-1-2).

PDC06-062 - District 1

**RECOMMEND DEFERRAL TO 12/12/06**

## 11. PUBLIC HEARINGS

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### 11.5 Administrative Hearing on consideration of an appeal of the Planning Commission's decision to deny a Planned Development Permit and Determination of Public Convenience or Necessity.

- \* **Recommendation:** Administrative Hearing on consideration of an appeal of the Planning Commission's decision to deny a Planned Development Permit and Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages and a new sign at an existing retail store (Taylor Street Market) on a 9.02 gross acre site, in the A(PD) Planned Development Zoning District, located at/on the southwest corner of East Taylor and North Ninth Streets (350 E Taylor Street) (The Esplanade, Owner). CEQA: Exempt. The Director of Planning, Building and Code Enforcement recommends that the City Council uphold the Planning Commission's action to deny the Planned Development Permit and Determination of Public Convenience or Necessity. PD06-015/ABC06-014 – District 3

### 11.6 Rezoning the real property located on the east side of Bird Avenue.

- \* **Recommendation:** Consideration of an ordinance rezoning the real property located on the east side of Bird Avenue, approximately 490 feet northeasterly of Snyder Avenue (1023 Bird Avenue), from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow approximately 530 square feet of living space in an existing two-story accessory structure on an existing single-family lot of a 0.15 gross acre site (Keith Shukait Et. Al, Owner). CEQA: Exempt. The Planning Director recommends that the City Council not adopt the subject rezoning, consistent with Planning Commission's recommendations, for reasons stated in the report. PDC03-060 - District 6

### 11.7 Rezoning the real property located at/on the southeast corner of Stevens Creek and South Winchester Boulevard.

#### Supplemental

- \* **Recommendation:** Consideration of an ordinance rezoning the real property located at/on the southeast corner of Stevens Creek and South Winchester Boulevard (3055 Olin Avenue) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to: 1) allow up to 400 additional multi-family attached residences (1,601 total units if a second hotel is not built) or up to 210 additional dwelling units (1,411 total units if the second hotel is built); 2) allow an additional 15,000 square feet of retail/commercial space for a total of 695,000 square feet; 3) allow up to 20,000 square feet of currently permitted general retail/commercial space to be replaced with 20,000 square feet of restaurant space for a total of 115,200 square feet of restaurant/night club uses; and 4) reduction in required parking on the 40.79 gross acre Santana Row site (FRIT San José Town & Country Village LLC, Owner/Developer). CEQA: Addendum to Final EIR. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0). PDC05-030 - District 6

## 11. PUBLIC HEARINGS

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### 11.8 Consideration of an appeal of the Planning Commission's decision to deny a Conditional Use Permit.

**Recommendation:** Consideration of an appeal of the Planning Commission's decision to deny a Conditional Use Permit for the off-sale of beer and wine for an existing retail store on a 5.18 gross acre site, in the CP Pedestrian Commercial and CN Neighborhood Commercial Zoning District, located on the south side of story Road, approximately 200 feet west of S. King Road (1604 Story Road) (Dennis Fong, Owner). SNI: East Valley/680 Communities & KONA. CEQA: Exempt. The Director of Planning, Building and Code Enforcement recommends that the City Council uphold the Planning commission's decision to deny a Conditional Use Permit to allow off-sale of alcoholic beverages at an exiting retail store (Dollar Market).  
CP06-015 – District 7

### 11.9 Consideration of an ordinance amending Chapter 20.90 of the San José Municipal Code.

**Recommendation:** Consideration of an ordinance of the City of San José amending Chapter 20.90 of Title 20 of the San José Municipal Code, the Zoning Code, to reduce parking requirements for specific ground floor commercial uses within the neighborhood business districts and to reduce parking requirements for miniwarehouses/ministorage uses citywide. CEQA: Negative Declaration.  
PP06-172 – Citywide

**RECOMMEND CONTINUANCE TO 12/12/06**

- Open Forum
- Adjournment